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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Reply, Patent Application of

Peter Kite et al.

Application No.: 10/659,413

Filing Date: September 10, 2003

Title: ANTISEPTIC COMPOSITIONS,
METHODS AND SYSTEMS

) MAIL STOP AMENDMENT

) Group Art Unit: 1617

) Examiner: SHOBHA KANTAMNENI

) Confirmation No.: 4621

FIFTH
INFORMATION DISCLOSURE STATEMENT
TRANSMITTAL LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Enclosed is a FIFTH Information Disclosure Statement (IDS) and accompanying form PTO-1449 for the above-identified patent application.

- ☐ No additional fee for submission of an IDS is required.
- ☐ The fee of \$ 180 as set forth in 37 C.F.R. § 1.17(p) is also enclosed.
- ☐ A statement under 37 C.F.R. § 1.97(e) is also enclosed.
- ☒ A statement under 37 C.F.R. § 1.97(e), and the fee of \$ 180 as set forth in 37 C.F.R. § 1.17(p) are also enclosed.
- ☐ Charge _____ to Deposit Account No. 02-4800 for the fee due.
- ☐ A check in the amount of _____ is enclosed for the fee due.
- ☒ Charge \$ 180 to credit card for the fee due. Form PTO-2038 is attached.
- ☒ The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date April 30, 2007

By:

Travis D. Boone

Travis D. Boone
Registration No. 52635

P.O. Box 1404
Alexandria, VA 22313-1404
703 836 6620

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In re Patent Application of

Peter Kite et al.

Application No.: 10/659,413

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Date April 30, 2007

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Re Patent Application of

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FIFTH INFORMATION DISCLOSURE STATEMENT

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P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure as set forth in 37 C.F.R. § 1.56, the accompanying information is being submitted in accordance with 37 C.F.R. §§ 1.97 and 1.98.

Pursuant to 37 C.F.R. § 1.98, a copy of each of the documents cited is enclosed.

The documents are being submitted after the close of prosecution but prior to payment of the issue fee, therefore under 37 C.F.R. § 1.97(d) a statement and the fee set forth in 37 C.F.R. § 1.17(p) are enclosed.

A fee of \$ 180 as set forth in 37 C.F.R. § 1.17(p) is enclosed.

I, the undersigned, hereby state in accordance with 37 C.F.R. § 1.97(e)(2) that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the information disclosure statement.

The Colobert reference is in the French language. The Examiner's attention is directed to Fig. 2. An English language translation of the legend of Fig. 2 is "expressed lytic activity in conventional units inversely proportional to the optical density reached at the end of ten minutes at 26°C, according to the pH."

25/01/2007 J4DD01 00000144 10659413

61 FC:1606

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To assist the Examiner, the documents are listed on the attached form PTO-1449. It is respectfully requested that an Examiner initialed copy of this form be returned to the undersigned.

The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: April 30, 2007

By:



Travis D. Boone
Registration No. 52635

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(use as many sheets as necessary)

Sheet 1 of 2

Application Number	10/659,413
Filing Date	September 10, 2003
First Named Inventor	Peter Kite et al.
Examiner Name	SHOBHA KANTAMNENI
Attorney Docket No.	1024637-000191

U.S. PATENT DOCUMENTS

[illegible]

FOREIGN PATENT DOCUMENTS

[illegible]

NON-PATENT LITERATURE DOCUMENTS

Examiner Initials	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.
	LOUIS COLOBERT, "Étude de la Lyse de Salmonelles Pathogènes Provoquée Par le Lysozyme, Après Delipidation Partielle de la Paroi Externe," <i>Annales de L'Institut Pasteur</i> , 1958, pp. 156-167.
	Dow Versene EDTA Food-Grade Chelating Agents, pp. 1-8
	Opposition by ALAFAR in Ecuadorian Proceeding SP-05-6235.
	G. W. GRAY, S. G. WILKINSON, "The Action of Ethylenediaminetetra-acetic Acid on <i>Pseudomonas aeruginosa</i> ," <i>J. appl. Bact.</i> 28 (1), 1965, pp. 153-164.
	E. A. GRULA, S. E. HARTSELL, "Lysozyme in the Bacteriolysis of Gram-Negative Bacteria," II. Factors Influencing Clearing During the Nakamura Treatment, <i>Canadian Journal of Microbiology</i> , Volume 3 , 1957, pp. 23-34.

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with M.P.E.P. § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

FIFTH
INFORMATION DISCLOSURE
STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 2 of 2

Application Number	10/659,413
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Attorney Docket No.	1024637-000191

NON-PATENT LITERATURE DOCUMENTS

Examiner Initials	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.
	J. M. T. HAMILTON-MILLER, "Effect of EDTA Upon Bacterial Permeability to Benzylpenicillin," <i>Biochemical and Biophysical Research Communications</i> , Vol. 20, No. 6, 1965.
	J. M. T. HAMILTON-MILLER, "Damaging Effects of Ethylenediaminetetra-acetate and Penicillins on Permeability Barriers in Gram-negative Bacteria," <i>Alterations to Bacterial Permeability</i> , Vol. 1966, Vol. 100, pp. 675-682.
	L. LEIVE, V. K. SHOVLIN, S. E. MERGENHAGEN "Physical, Chemical, and Immunological Properties of Lipopolysaccharide Released from <i>Escherichia coli</i> by Ethylenediaminetetraacetate," <i>The Journal of Biological Chemistry</i> , 1968, Vol. 243, No. 24, issue of December 25, pp. 6384-6391.
	M. J. WOLIN, "Lysis of <i>Vibrio succinogenes</i> by Ethylenediaminetetraacetic Acid of Lysozyme," <i>Journal of Bacteriology</i> , May 1966, Vol. 91, No. 5, pp. 1781-1786.
	United States Court of Appeals for the Federal Circuit Decision, Appeal No. 06-1118, ABRAXIS BIOSCIENCE, INC. (formerly known as ASTRAZENEC PHARMACEUTICALS LP and ASTRAZENEC UK LTD), Plaintiff-Appellee, v. MAYNE PHARMA (USA) INC. (formerly known as Faulding Pharmaceutical Company), Defendant-Appellant, Decided November 15, 2006.

Examiner Signature		Date Considered	
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